



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MGE/172853

PRELIMINARY RECITALS

Pursuant to a petition filed March 17, 2016, under Wis. Stat., §49.45(5), to review a decision by Milwaukee Enrollment Services in regard to Medicare Part B Premium Assistance, a hearing was held on April 19, 2016, at Milwaukee, Wisconsin, with the judge appearing by telephone.

The issue for determination is whether petitioner's Qualified Medicare Beneficiary (QMB) eligibility can be backdated to a month prior than February 1, 2016.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Milwaukee Enrollment Services
1220 W. Vliet Street
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner began to receive Medicare Part B in November, 2015. In early 2016 he was told that he likely would be eligible for QMB. Petitioner applied for QMB on January 5, 2016, and he was granted it effective February 1, 2016.

DISCUSSION

QMB, Special Low Income Medicare Beneficiary (SLMB), and SLMB Plus are programs which provide assistance with Medicare Part B premiums for persons whose incomes are over the regular Medical Assistance limits. All three programs pay the entire Part B premium. Wis. Stat., §49.468; see the MA Handbook, Appendix 32.1.1 for a full description of the programs.

The programs have progressively higher income limits. The QMB income limit for one person is \$990; it was \$980.83 until February 1, 2016. Handbook, §39.5. The SLMB limit is \$1,188. Handbook, §§32.3 and 39.5. A person qualifies for SLMB Plus if income is below \$1,336.50. Handbook, §§32.4 and 39.5. Petitioner's monthly income is low enough that he is eligible for QMB.

QMB rules mandate that the program starts on the first of the month after the person is determined to be eligible and confirmed in the state computer system. Handbook, App. 32.7.1.1.

Petitioner testified that he initially was given incorrect information that he had to pay the Part B premium. However, he cannot remember who told him that, and there is no record in case comments of such a conversation between an Enrollment Services employee and petitioner. As a result, I must conclude that the agency correctly started the QMB eligibility February 1, 2016. There is no mechanism for me to order eligibility to be backdated.

CONCLUSIONS OF LAW

The agency correctly began QMB eligibility the month after petitioner applied and was determined to be eligible.

THEREFORE, it is

ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in

this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 22nd day of April, 2016

\sBrian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on April 22, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability